

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Antonio Wakefield, *a/k/a Antonio Tykeish*)
Wakefield,)

Plaintiff,)

v.)

SCDC Headquarters Classification, Major)
James Parrish, Captain T. Vela,,)

Defendants.)

Civil Action No. 9:20-1161-TMC

ORDER

Plaintiff, a state prisoner proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. (ECF No. 1). In his Complaint, Plaintiff alleges violations of his constitutional rights, policies within South Carolina Department of Corrections (“SCDC”), and the South Carolina Tort Claims Act. *See id.* In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court summarily dismiss this case for failure to state a cognizable claim for relief. (ECF No. 10). Plaintiff was advised of his right to file objections to the Report. *Id.* at 11. However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the magistrate judge’s Report (ECF No. 10), which is incorporated herein by reference. Accordingly, the Complaint is **DISMISSED *without prejudice***^{*}.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
June 8, 2020

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

^{*} The magistrate judge identified numerous deficiencies in the complaint and informed Plaintiff that the Report “constitute[d] notice to [Plaintiff] of material defects in his filings.” (ECF No. 10 at 10 (citing *Goode v. Cent. Virginia Legal Aid Soc’y, Inc.*, 807 F.3d 619, 623 (4th Cir. 2015))). Because Plaintiff has declined to seek an amendment of his pleadings to cure such deficiencies, file objections or otherwise respond to the Report, the court declines to extend any leave to amend, *sua sponte*.